

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**MARX A. FAVORS, HOWARD LEIB, LILLIE
H. GALAM, EDWARD A. MULRAINE,
WARREN SCHREIBER, and WEYMAN A.
CAREY,**

Plaintiffs,

**DONNA K. KAYE, EDWIN ELLIS, AIDA
FORREST, GENE A. JOHNSON, JOY WOOLLEY,
SHEILA WRIGHT, LINDA LEE, SHING CHOR
CHUNG, JULIA YANG, JUNG HO HONG, JUAN
RAMOS, NICK CHAVARRIA, GRACIELA
HEYMAN, SANDRA MARTINEZ, EDWIN
ROLDAN, MANOLIN TIRADO, LINDA ROSE,
EVERET THOMPSON-WEREKOH, CARLOTTA
BISHOP, CAROL RINZLER, GEORGE
STAMATIADES, JOSEPHINE RODRIGUEZ,
SCOTT AUSTER, EDWIN
FIGUEROA, and SANTIAGO DIAZ**

Intervenor – Plaintiffs,

-against-

**ANDREW CUOMO, as Governor of the State
Of New York, DEAN G. SKELOS, as Majority
Leader and President Pro Tempore of the Senate
of the State of New York, SHELDON SILVER,
as Speaker of the Assembly of the State of New
York, ANDREA STWEART-COUSINS, as
Minority Leader of the Senate of the State of
New York, BRIAN M. KOLB, as
Minority Leader of the Assembly of the State
Of New York, the NEW YORK LEGISLATIVE
TASK FORCE ON DEMOGRAPHIC RESEARCH
AND REAPPORTIONMENT (“LATFOR”), JOHN
J. McENENY, AS Member of LATFOR, ROMAN
HEDGES, as member of LATFOR, MARTIN
MALAVE DILAN, as Member of LATFOR, as
Member of LATOR, and WELQUIS R. LOPEZ,
As member of LATFOR,**

Defendants.

**DECLARATION OF
JOAN P. GIBBS
Docket No. 11-cv-5632
(RR) (GEL) (DLI) (RLM)**

-----X

JOAN P. GIBBS, declares under penalty of perjury pursuant to 28 U.S.C. Section 1746:

1. I am the General Counsel for the Center for Law and Social Justice at Medgar Evers College, of the City University. As the General Counsel for the Center for Law and Social, I am responsible for all CLSJ litigation projects, including the instant case. As such, I am the counsel of record for Plaintiffs - Intervenors Donna Kaye Drayton, Edwin Ellis, Aida Forrest, Gene A. Johnson, Joy Woolley, and Sheila Wright. This declaration is submitted in support of Plaintiffs-Intervenors motion, pursuant to 42 U.S. C. Section 1988, 42 U.S. C. 1973l (e).

2. I, Esmeralda Simmons, my co-counsel in this matter, Plaintiffs-Intervenors' expert witnesses, Zulema Blair, Frank Lewis and Edwin Dei each maintained contemporaneous time records of the time we expended on this case. As counsel of record for Plaintiffs-Intervenors, in preparing Plaintiffs-Interevenors' motion papers herein, reviewed every time record, and in the exercise of billing judgment, reduced or deducted time that, in retrospect, seemed excessive or duplicative.

I. Qualifications of Joan P. Gibbs

3. I received my Doctor of Jurisprudence from Rutgers School of Law – Newark in 1985 and was admitted to the bars of New Jersey and New York in 1986. I am also a member of the bars of the United States Supreme Court, the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Eighth Circuit, the United States District Court for the District of New Jersey, the United States District Court for the Southern District of New York, and the United States District Court for the Eastern District of New York. See Exhibit A attached hereto.

4. I have devoted my entire legal career to the practice of constitutional and civil rights law. Prior to the joining the staff of the Center for Law and Social Justice in 1995, I was a staff attorney at the Center for Constitutional Rights (1987-1995), the American Civil Liberties Union Women's Rights Project (1986 -1987) and the Marvin M. Karpatkin Fellow in Civil Liberties in the National Office of the ACLU (1985-1986). See Exhibit A.

5. The cases that I have worked on include:

Little v. LATFOR: successful defense of New York State law requiring that incarcerated persons be counted at their last known address. (Sup. Ct. Albany County, 2011).

Hayden v. Paterson, unsuccessful challenge to New York State's felon disenfranchisement laws. See e.g., *Hayden v. Pataki*, 594 F. 3d 150 (2nd Cir. 2010).

Rodriquez v. Pataki, Voting Rights challenge to NYS Congressional and state legislative districts redistricting that forced the state government to redistrict, as required by law. CLSJ also unsuccessfully sought to create another majority-minority congressional seat in the Bronx and to create a fair NYS Senate plan. 308 F. Supp. 2d. 346 (S.D.N. Y. 2004).

Sheppard v. Consolidated Edison, successful class action challenge to Consolidated Edison's promotion policies on the grounds that they discriminated against African Americans in violation of, *inter alia*, Title VII of the Civil Rights Act of 1964. See e.g., 2002 U.S. Dist. LEXIS 16314 (E.D. N.Y. 2002).

People United for Children v. City of New York, successful class action challenge to New York City's child welfare policies on the grounds that were enforced in violation of, *inter alia*, the Fourteenth and Fourth amendments to the United States Constitution. See e.g., 108 F. Supp. 275 (S. D.N.Y. 2000).

Ferguson v. FBI, partially successful challenge to FBI's refusal to disclose nearly twenty-five year old FBI files pertaining to Herman Ferguson, a New York City Black educator and activist who was targeted by the FBI and NYCP in the 1960s because of his political beliefs and associations and was subsequently convicted of conspiracy charges. See e.g., 866 F. 2d 22 (2nd Cir. 1989).

In the Matter of Anne Pilsbury, successful challenge to a federal district court order summarily holding an attorney in criminal contempt for failing to promptly leave the court. 866 F. 2d 22 (2nd Cir. 1989).

6. In 2011, I was appointed by the five New York City Borough Presidents to the New York City Voter Assistance Advisory Committee. See Exhibit A at p 5. I have also taught Constitutional Litigation at Rutgers School of Law-Newark and taught Women and the Law to

upper level undergraduates at Rutgers University and Hunter College. I have also received several awards or honors for legal and advocacy work. Exhibit A.

7. As counsel of record to the Plaintiffs-Intervenors, I, *inter alia*, interviewed and drafted the affidavits for the Plaintiffs-Intervenors in support of their motion to intervene in this matter, researched and drafted the Motion to Intervene, Proposed Complaint in Intervention, and was present at all scheduled court appearances and public hearings. See Exhibit B attached hereto.

8. As indicated on my time records, attached hereto as Exhibit B, I devoted 110 hours to this matter. Id. Plaintiffs-Intervenors are requesting that I be compensated at a rate of \$400.00 an hour.

II. Qualifications of Esmeralda Simmons

9. As more fully detailed on her resume, attached hereto as Exhibit C, Esmeralda Simmons received her Doctor of Jurisprudence from Brooklyn Law School in 1978 and was admitted to the bar of New York State in 1978. Ms. Simmons is also a member of the bars of the United States Supreme Court, the United States District Court for the Eastern District of New York, and the United States District Court for the Southern District of New York.

10. Ms. Simmons is the Executive Director of the Center for Law and Social Justice (CLSJ). As such, Ms. Simmons is my direct supervisor, and serves as my counsel in all CLSJ's litigation, including the instant case.

11. Ms. Simmons has devoted her entire legal career to the practice of constitutional and civil rights law. Prior to becoming the founding director of the Center for Law and Social Justice in 1985, Ms. Simmons, was, *inter alia*, the First Deputy Commissioner for the New York Division of Human Rights (1983 -1985); an Assistant Attorney General with the New York State Department of Law (1982-1983); Regional Civil Rights Attorney in the Office of Civil

Rights of the United States Department of Education, and an Honors Attorney in the employment and civil rights division of the New York City Law Department. Ms. Simmon's was a law clerk for the Honorable Henry Bramwell, United States Judge, United States District Court for the Eastern of New York. Exhibit C.

12. Ms. Simmons has extensive experience in the areas of redistricting advocacy and litigation. The redistricting and other cases that Ms. Simmons has worked on include:

Hayden v. Paterson: unsuccessful challenge to New York State's felon disenfranchisement laws. *See e.g., Hayden v. Pataki*, 594 F. 3d 150 (2nd Cir. 2010).

Sheppard v. Consolidated Edison, successful class action challenge to Consolidated Edison's promotion policies on the grounds that they discriminated against African Americans in violation of, *inter alia*, Title VII of the Civil Rights Act of 1964. *See e.g.*, 2002 U.S. Dist. LEXIS 16314 (E.D. N.Y. 2002).

Rodriquez v. Pataki: Voting Rights challenge to NYS Congressional and state legislative districts redistricting that forced the state government to redistrict, as required by law. CLSJ also unsuccessfully sought to create another majority-minority congressional seat in the Bronx and to create a fair NYS Senate plan. 308 F. Supp. 2d. 346 (S.D.N. Y. 2004).

People United for Children v. City of New York, successful class action challenge to New York City's child welfare policies on the grounds that were enforced in violation of, *inter alia*, the Fourteenth and Fourth amendments to the United States Constitution. *See e.g.*, 108 F. Supp. 275 (S. D.N.Y. 2000).

Herron v. Koch: Successful challenge to the holding of 1981 city elections, for NYC's failure to comply with Section 5 pre-clearance provision of the federal Voting Right Act. *See e.g.*, 523 F. Supp. 167 (S.D. N.Y. 1981).

Flateau v. Anderson: successful Voting Rights challenge to New York State redistricting plan. 537 F. Supp. 257 (S.D. N. Y. 1982).

Ashe v. Board of Elections: successful VRA challenge to force the NYC Board of Elections to conduct functional and voter-friendly elections in Black and Latino communities. *See e.g.*, 124 F. R. D. 45 (E. D. N. Y. 1989)

Chin v. Bd. of Elections: Argued an appeal that sought to expand Asian language voting rights in New York City. *See e.g.* 599 N.Y. S. 2d 569 (1st Dept. 1993).

13. Because of her experience and reputation in the areas of redistricting litigation and advocacy, Ms. Simmons Esmeralda Simmons was appointed as the Vice Chair of the initial New York City Districting Commission (1990-91). Ms. Simmons has also, *inter alia*, served as an appointee of the Mayor to the former New York City Board of Education (1993 -1994); and was the chair of Board of Trustees for former Community School District 17 (1994-1996). Ms. Simmons is the recipient of numerous awards and honors. Exhibit C.

14. As my supervisor and co-counsel in this matter, Ms. Simmons, *inter alia*, supervised Plaintiffs-Intervenors expert witness reviewed all documents submitted on behalf of Plaintiffs-Intervenors, and was present at all scheduled court appearances and the public hearings.

15. Ms. Simmons devoted 91.25 hours to this case. Exhibit D attached hereto. Plaintiffs-Intervenors are requested compensation for Ms. Simmons at hourly rate of \$450.

III . Request for Experts Fees

16. Plaintiffs-Intervenors also seek an award of expert fees for their expert in this matter, Frank Lewis, Zulema Blair, and Edwin Dei.

17. As detailed on his resume, Frank Lewis received his Bachelor of Science in Mathematics, Statistics and Operations Research from Yale University in 1976 and has done graduate work in Management Science at the Massachusetts Institute of Technology and in Applied Social Research at Queens College of the City University of New York. Mr. Lewis is an Adjunct Instructor at New York University where he has taught courses in Mathematic, Mathematics, Statistics, Economics, Finance and Information Systems for nineteen years. See Exhibit A attached to the Declaration of Frank Lewis, dated December 18.

18. Mr. Lewis has been involved in each redistricting cycle since 1990. Mr. Lewis has worked as a Research Systems Analyst in the Technical System Group of the New York City Districting Commission (190-1991); as a Systems Analyst on the Redistricting Staff of Counsel for the New York State Senate Minority (1991-1992); as a legislative districting consultant for the State Supreme Court, the New York City City Council and Nassau County. In addition, Mr. Lewis was an expert witness in the *Babylon v. NACCP* and *Rodriquez v. Pataki* cases. See Exhibit A attached to the Declaration of Frank Lewis, dated December 18.

19. As a consultant expert witness for the Plaintiffs-Intervenors, Mr. Lewis, *inter alia*, co-authored of the 2011 Unity Congressional Plan, along with the experts of LatinoJustice/PRLDEF and the Asian American Legal Defense and Education Fund. In particular, Mr. Lewis drew the Black majority-minority districts in the Unity Map. Mr. Lewis also provided background information for Plaintiffs-Intervenors original complaint .

20. Mr. Lewis devoted 74 hours to this case. See Exhibit B attached to the Declaration of Frank Lewis, dated December 18, 2013. Plaintiffs-Intervenors are requesting that he be compensated at an hourly rate of \$150. Accordingly the undersigned request that Mr. Lewis be paid \$11,000.

21. Ms. Blair and Mr. Dei assisted Mr. Lewis in the creation of the Black majority-minority congressional districts contained in the Unity Map. To this end, Ms. Blair and Mr. Dei, *inter alia*, participated in meetings and conferences with Plaintiffs –Intervenors counsel and the counsel for the Ramos and Lee Intervenors concerning the Unity Map and the congressional districts maps drawn by the Court’s expert. See Declaration of Zulema Blair, dated December 18, 2013; Declaration of Edwin Dei, dated December 13, 2013.

22. Zulema Blair received her Bachelor of Arts in Political Science from Boston College in 1995, her Master of Public Administration and her Ph. D. from Binghamton University (SUNY) in respectively May 1998 and May 2002. Dr. Blair is presently an Adjunct Assistant Professor in the Department of Political Science at John Jay College of the City University of New York. See Exhibit A attached to the Declaration of Zulema Blair.

23. Ms. Blair devoted 19 hours to this matter. See Exhibit B attached to the Declaration of Zulema Blair. Plaintiffs-Interevenors request compensation for Dr. Blair at an hourly rate \$100.00.

24. Mr. Dei received his Bachelor of Arts in Economic from Fordham University in 1981 and his Master of Arts in International Political Economy and Development from Fordham 1986. Mr. Dei has extensive experience in research and data and statistical analysis. See Declaration of Edwin Dei, dated December 18, 2013.

23. Mr. Dei devoted nine hours to this case. Exhibit B to the Declaration of Edwin Dei. Plaintiffs-Intervenors are requesting that Mr. Dei be compensated at an hourly rate of \$75.00. .

24. In conclusion, the requests payment of attorneys' fees and expert fees as follows:

Center for Law and Social Justice:

Joan P. Gibbs	\$44,000.00
Esmeralda Simmons	\$40,950.00

Payment to Experts

Frank Lewis	\$11,000.00
Zulema Blair	\$1,900.00.00
Edwin Dei	\$675.00.00

WHEREFORE, the undersigned respectfully requests that the Court grant Plaintiffs-Interevenor motion for attorneys' fees, and costs in all respects.

. Dated: Brooklyn, New York
December 19, 2013

Respectfully submitted,

/s/ Joan P. Gibbs

All Counsel via ECF

EXHIBIT A

JOAN P. GIBBS
441A Classon Avenue
Brooklyn, New York 11238
(718) 789-1801 (home)
(718) 757-4093 (mobile)
joanpgibbs2012@gmail.com

LEGAL AND ADMINISTRATIVE EXPERIENCE

CENTER FOR LAW AND SOCIAL JUSTICE

Medgar Evers College, City University of New York
Brooklyn, New York

GENERAL COUNSEL, September 1996 to Present

Serve as lead counsel in all CLSJ litigation and director of legal projects such as the Center for Law and Social Justice Immigration Law Program; recruit and supervise law school and undergraduate interns, write fundraising proposals, annual and other reports.

CENTER FOR LAW AND SOCIAL JUSTICE

Medgar Evers College, City University of New York
Brooklyn, New York

PROJECT DIRECTOR, June 1995 to September 1996

Served as Project Director of CLSJ's Fair Housing and Police and Racial Violence projects; provided legal counseling, referrals and representation to victims of housing discrimination and police misconduct; edited and wrote articles for Fair Housing Project's newsletter, *Housing Matters*; developed and directed education and outreach activities, wrote fundraising proposals and reports.

CENTER FOR CONSTITUTIONAL RIGHTS

New York, New York

STAFF ATTORNEY, April 1987 to December 1994

Litigated constitutional, civil rights and criminal cases in federal and state court involving claims of government misconduct and discrimination on the basis of race, gender, sexual orientation and HIV status.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION WOMEN'S RIGHTS PROJECT

New York, New York

STAFF COUNSEL, August 1986 to April 1987

Analyzed, and wrote memoranda on a variety of substantive and procedural issues in cases involving sex discrimination under the United States Constitution and state constitutions and Title VII of the Civil Rights Act of 1964; responded to requests for assistance for ACLU affiliates, volunteer attorneys and individuals.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION NATIONAL LEGAL OFFICE

New York, New York

Marvin M. KARPATKIN FELLOW, August 1985 to August 1986

Researched and drafted petitions for certiorari and amicus briefs to the United States Supreme Court; analyzed and wrote memoranda on cases pending before and decided by the United States Supreme Court; responded to requests for assistance for ACLU affiliates, volunteer attorneys and individuals.

CENTER FOR CONSTITUTIONAL RIGHTS

New York, New York

STAFF ATTORNEY, January 1985 to May 1985

Researched and drafted amicus briefs, complaints and memoranda in cases involving government misconduct and discrimination on the basis of sexual orientation; co-authored three educational pamphlets.

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND

NEW York, New York

Summer Intern, July 1984 to September 1984

Researched and drafted memoranda on a variety of issues for two habeas corpus cases involving civil workers convicted of voter fraud.

RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN

New York, New York

Summer Intern, July 1983 to August 1983

Prepared analytical summaries of the FBI files on past and present National Lawyers Guild (NLG); drafted affidavits for plaintiffs in National Lawyers Guild v. Attorney General. A case challenging the government's surveillance of the NLG.

National Conference of Black Lawyers

New York, New York

Summer Intern, May 1983 to July 1983

Worked in national office on reports and other documents for upcoming national annual convention.

OTHER EMPLOYMENT EXPERIENCE

THE GRAND JURY PROJECT

New York, New York

STAFF, October 1979 to September 1983

Researched and drafted sections of annual updates to Representation of Witnesses Before Federal Grand Juries (Clark Boardman Co, Ltd, New York, New York); wrote and edited articles for the Project's newsletter, Quash; wrote fundraising proposals and organized and spoke at community forums on federal juries.

LIBERATION NEWS SERVICE

New York, New York

WRITER, EDITOR, PRINTER, September 1977 to September 1979

Wrote and edited articles on a variety of topics, printed weekly news and graphics packets.

TEACHING EXPERIENCE

COLLEGE NOW, MEDGAR EVERS COLLEGE, CUNY

Brooklyn, New York

ADJUNCT INSTRUCTOR - September 2002 to June 2009

Taught college credit course to high school on the history of the African American civil rights movement in the United States.

PROJECT ENABLE, LAGUARIDA COMMUNITY COLLEGE,CUNY

Queens, New York

ADJUNCT INSTRUTOR - March 1995 to December 1995

Taught writing, social studies, literature and science in GED program for people receiving public benefits and without homes.

COLLEGE OF NEW ROCHELLE

Bronx, New York

ADJUNCT INSTRUTOR -September 1992 to December 1992

Taught two writing courses.

RUTGERS UNIVERSITY SCHOOL OF LAW

Newark, New Jersey

ADJUNCT PROFESSOR – September 1989 to May 1990

Co-taught two credit seminar and supervised sections of four-credit seminar on constitutional and civil rights litigation in the Constitutional Litigation Clinic.

HUNTER COLLEGE, CUNY

New York, New York

ADJUNCT PROFESSOR – September 1989 to May 1988

Taught three credit seminar on Women and the Law.

DOUGLAS COLLEGE, RUTERGS UNIVERSITY

New Brunswick, New Jersey

ADJUNCT INSTRUCTOR, January 1985 to June 1986

Taught three credit seminar on Women and the Law.

MINORITY STUDENTS PROGRAM, RUTGERS UNIVERSITY SCHOOL OF Law

Newark, New Jersey

TUTOR – September 1983 to December 1984

Tutored property and criminal law to first year law students.

EDUCATION

RUTGERS UIVERSITY SCHOOL OF LAW

Newark, New Jersey

JD, June 1985

Awards and Prizes: Justice Henry Ackerson, Jr. Award 1985, Carol Russ Memorial Prize 198s, Association of Black Law Students Service Award 1984 and 1985

Scholarships and Grants: Marian Davis Scholarship 1983 and 1984, Law Students Civil Rights Grant 1983 and 1984

EMPIRE STATE COLLEGE, STATE UNIVERSITY OF NEW YORK

Brooklyn, New York

Bachelor of Arts, English Literature and Creative Writing, June 1982

BRONX HIGH SCHOOL OF SCIENCE

Bronx, New York

High School Diploma, June 1971

BAR MEMBERSHIPS

New York (Second Department), 1986

New Jersey, 1986

United States Court of Appeals for the Eighth Circuit, 1986

United States Court of Appeals for the Second Circuit, 1991

United States District Court for the District of New Jersey, 1986

United States District Court for the Southern District of New York, 1988

United States District Court for the Eastern District of New York , 2000

United States Supreme Court, 2012

HONORS AND AWARDS

Medgar Evers College Pre-Law Society, Community Service Award, February 25, 2011

Medgar Evers College, CUNY, HEO of the Year, May 24, 2006

New York City Council, City Councilmember Charles Barron, Proclamation for Community Activism and Service, March 9, 2005

Family and Friends of Mutulu Shakur, Breaking the Chains Award, May 12, 2001

Brooklyn Borough President, Citation for Community Service,, June 10, 1998

Lesbian and Gay Student Caucus, Rutgers University School of Law, Newark, New Jersey, Distinguished Graduate Award, April 12, 1996

Empire State College, State University of New York, Brooklyn, New York, 20th Anniversary Sojourner Truth Distinguished Alumni Award, October 20, 1994

New York University School of Law Association of Black Law Students and Harriet Tubman-

Fannie Lou Hamer Collective, Human Rights Award, December 4, 1990

SELECTED CASES

Favors v. Cuomo, 11 Civ. 5632 (E.D.N.Y.) pending challenge to New York's 2012 state legislative redistricting plans on the grounds that they violate the Fourteenth Amendment and Section 2 of the Voting Rights Act of 1965.

In re New York City Department of Education, (Case No. 02-12-1345), pending complaint to the United States Department of Education alleging that the New York City Department of Education discriminates against African -American and Latinos students in the admission process for its eight "Specialized High Schools" in violation of Title VII of the Civil Rights Act of 1964.

Little v. LATFOR, successful defense of New York State law requiring that incarcerated persons be counted at their last known home addresses for redistricting purposes rather than their place of incarceration.

Hayden v. Paterson, unsuccessful challenge to New York State's felon disenfranchisement laws. See e.g., Hayden v. Pataki, 594 F. 3d 150 (2nd Cir. 2010).

People United for Children v. City of New York, successful challenge to New York City's child welfare policies on the grounds that they were enforced in violation of, inter alia, the Fourteenth and Fourth amendments to the United States Constitution. See e.g., 108 F. Supp. 275 (S. D.N.Y. 2000).

Sheppard v. Consolidated Edison, successful challenge to Consolidated Edison's promotion policies on the grounds that they discriminated against African Americans in violation of, inter alia, Title VII of the Civil Rights Act of 1964. See e.g., 2002 U.S. Dist. LEXIS 16314 (E.D. N.Y. 2002).

Ferguson v. FBI, partially successful challenge to FBI's refusal to disclose nearly twenty-five year old FBI files pertaining to Herman Ferguson, a New York City Black educator and activist who was targeted by the FBI and NYCP in the 1960s because of his political beliefs and associations and was subsequently convicted of conspiracy charges. See e.g., 866 F. 2d 22 (2nd Cir. 1989).

In the Matter of Anne Pilsbury, successful challenge to a federal district court order summarily holding an attorney in criminal contempt for failing to promptly leave the court. 866 F. 2d 22 (2nd Cir. 1989).

MEMBERSHIPS

New York City Voter Assistance Advisory Committee (appointed by New York City five borough presidents), member, 2011 to Present.

Medgar Evers College, CUNY, College Council, member, 2011 to Present.

Brecht Forum, Board of Directors, member and co-chair of the Board, 2005 to Present

National Conference of Black Lawyers, member, 1986 to Present.

References Available Upon Request

EXHIBIT B

Joan P. Gibbs
Favors v. Cuomo
Time Records

Date	Activity	Time
11/21/2011	Review's Plaintiffs Complaint	1.30
11/21/2011	Research re: motion to intervene	3.00
11/23/2011	Calls to Clients	2 .00
11/28/2011	Research re: Client's Affidavits	2.00
12/05/2011	Drafting Clients' Affidavits	3.00
12/5/2011	Black NYers for Fair Redistricting Meeting: re Congressional districts	2.00
12/07/2011	Meeting with Gene Johnson re: affidavit	1.00
12/08/2012	Call to Aida Forrest re: affidavit	.15
12/09/2011	Meeting with Donna Drayton re: affidavit	2.00
12/10/2013	Meeting with Eddie Ellis re: affidavit	1.30
12/12/2011	Drafting Proposed Complaint in Intervention	5.00
12/13/2011	Drafting Notice of Motion, Motion and Memorandum in Support of Motion	4.00
12/15/2011	Conference call re congressional districts with counsel and experts	2.00
12/19/2011	Finalizing Intervention Papers	1.30
12/20/2011	Reviewing Judge Irizzary's Order, dated 12/20/2011	.10

Joan P. Gibbs
 Favors v. Cuomo
 Time Records

Date	Activity	Time
12/28/2011	Reviewing Ramos and Lee Intervenor papers, and Motion to Dismiss	2.00
12/29/2011	Reviewing Opposition to Motion to Dismiss and other submissions	.30
01/02/2012	Conference with co- counsel E. Simmons and Randolph M. McLaughlin and Jeffrey M. Norton	1.00
01/06/2012	Reviewing Plaintiffs' and Defendants' Roman Hedges <i>et al</i> response to Plaintiffs –Intervenor motion to intervene	.20
01/09/2012	Reviewing reply in support of motion to dismiss	.30
01/13/2012	Reviewing response to Plaintiff-Intervenor motion to intervene	.30
01/19/2012	Reviewing Plaintiffs' letter to court and memorandum in opposition to motion to dismiss	1.00
01/27/2012	Reviewing Judge Irizarry's Order, 01/27/2012	.05
1/27/2012	Meeting with counsel for Drayton, Ramos and Lee plaintiffs-intervenor, and experts re: congressional districts; Unity Map	2.00
02/10/2012	Meeting re congressional districts with LatinoJustice/PRLDF, Asian American Legal Defense Fund	2.00
02/13/2012	Reviewing Judge Irizarry's request to Chief Judge of Second Circuit requesting appointment of three Judge court	.20
02/14/2012	Reviewing Judge Irizarry's Order designation of members of Three Judge Court	.05

Joan P. Gibbs
 Favors v. Cuomo
 Time Records

Date	Activity	Time
02/16/2012	Writing letter to court in compliance with Court's 2/14/2012 Order	.10
02/21/2012	Reviewing scheduling orders and Court submissions	.20
02/22/2012	Reviewing Court order re: preparation of a list of experts	.05
02/23/22	Research re and calls to potential experts	1.00
02/22/2012	Preparation for, and at conference with co-counsel	3.00
02/23/2012	Meeting re congressional districts with LatinoJustice/PRLDF, etc.	2.00
02/24/2012	Writing letter to Court in compliance with February 22, 2012	.10
02/25/2012	Writing revised letter to Court in re letter in compliance with February 22, 2012	.10
02/27/2013	Court Appearance	2.50
02/28/2012	Reviewing Court order re: referral to Magistrate Judge of task of creating congressional districts	.10
02/28/2012	Drafting memorandum in support of Congressional Unity, and gathering accompanying exhibits	4.00
02/29/2012	Conference with counsel re: congressional maps	1.00
03/01/2012	Telephone conference with co-counsel and experts	1.00
03/02/2012	Telephone conference with counsel and experts	1.00
03/04/2012	Telephone conference with counsel re hearing and testimony Of Esmeralda Simmons and Andrew Beveridge	1.00

Joan P. Gibbs
 Favors v. Cuomo
 Time Records

Date	Activity	Time
03/02/2012	Reviewing parties submissions re: congressional map	1.30
03/05/2012	Court Appearance	5.00
03/05/2012	Research re and drafting letter to Court in response to Court Order, dated March 5, 2012	1.00
03/07/2012	Reviewing answers to Plaintiffs-Intervernors complaint	2.00
3/7/2012	Conference call with Plaintiffs-Intervenors counsel, and experts re: congressional districts	1.00
03/12/2012	Reviewing court orders, dated 03/12/2012 re: Magistrate Mann's Report and Recommendation	4.00
03/13/2012	Telephone conference with co-counsel re Magistrate Judge Report and Recommendation	1.00
03/13/2012	Telephone conference with co-counsel and experts re Magistrate Mann's Report and Recommendation	1.00
3/13/2012	Reviewing Judge Mann's proposed congressional maps with Plaintiffs-Intervenors counsel, and experts	5.00
03/14/2012	Drafting letter to court re March 12, 2012	.30
03/14/2012	Reviewing parties' submissions re Magistrate Mann's Report and Recommendation	3.00
03/15/2012	Court Appearance; public hearing re	6.00
3/16/2012	Conference with Plaintiffs-Intervenors counsel, and and experts re: congressional districts	1.00

03/19/2012	Reviewing Court Order adopting Magistrate Mann's Report and Recommendation	2.00
12/02/2013	Review Defendant Cuomo's Opposition to Plaintiffs-Intervenors' Motion for Attorneys' Fees, Expert Fees	.30
12/ 13/2013	Research re: 42 U.S.C. Section 1973le and 42 U.S. C. Section 1988	2.00
12/14/2013	Drafting Motion, Memorandum and Declarations	4.00
12/ 16/2013	Reviewing time records of attorneys, and experts	4.00
12/17/2013	Editing declarations	2.00
12/18/2013	Finalizing motions papers	3.00

TOTAL:

110 HOURS

EXHIBIT C

ESMERALDA SIMMONS

272 Hancock Street
Brooklyn, New York 11216
eslyjj@aol.com

(O) 718 804-8893
(H) 718 789-9609

Legal and Administrative Experience

CENTER FOR LAW AND SOCIAL JUSTICE

Medgar Evers College, City University of New York
1150 Carroll Street, Brooklyn, NY 11225

EXECUTIVE DIRECTOR - 1985 to Present

As the founding director, lead and develop a community-based racial justice advocacy center that focuses on legal work and research civil/human rights. DUTIES: Represent the Center at community meetings, in court, at public hearings and conferences, and on a variety of governmental policy task forces. Plan, generate and administer major funding for the Center. Regularly speak on human rights and civil rights issues, Center projects and pressing issues of social injustice. Provide community organizations with legal counsel and research assistance. Supervise attorneys, project directors, research staff, and administrators. Advocate on racial issues such as public education, voting rights, police brutality, discrimination cultural rights, and child welfare system abuses.

New York State Division of Human Rights, New York, NY

FIRST DEPUTY COMMISSIONER - 1983 to 1985

Develop public policy on major human/civil rights issues. Administer and supervise the senior staff of this New York State agency which enforces the N.Y.S. Human Rights Law. Interact with the governor's office and state commissioners and executives on topical issues and policy in support of the human/civil rights viewpoint.

New York State Department of Law (Attorney General's Office)

New York, NY **ASSISTANT ATTORNEY GENERAL** - 1982 to 1983

United States Department of Education, OFFICE FOR CIVIL RIGHTS,

New York, NY **REGIONAL CIVIL RIGHTS ATTORNEY** - 1980 to 1982

United States District Court, Eastern District of New York (Brooklyn, NY)

Honorable HENRY BRAMWELL, United States District Judge

LAW CLERK - 1979 to 1980, Student Law Clerk - 1976 to 1978

New York City Law Department (Corporation Counsel's Office)
Employment and Civil Rights Division, New York, NY
HONORS PROGRAM ATTORNEY - 1978 TO 1979

EDUCATIONAL EXPERIENCE

- **Member, New York City BOARD of EDUCATION** - Appointed by the mayor of New York City. 1993-1994
- **CHAIR, Board of Trustees**, Community School District 17- Appointed by the New York City Public School Chancellor. 1994-1996
- **Member, New York State BOARD OF REGENTS' LOW PERFORMING SCHOOLS TASK FORCE** 1992-1994
- **ADJUNCT PROFESSOR:** **Benjamin Cardozo School of Law**, Yeshiva University, New York. VOTING RIGHTS LAW -- 1992-1994
Medgar Evers College, CUNY, Brooklyn, New York.

AFRICAN AMERICAN HISTORY and CULTURE -- 1988-1992

EDUCATION

COLUMBIA UNIVERSITY, New York -- **REVSON FELLOWSHIP FOR THE FUTURE OF THE CITY OF NEW YORK**, The Effect of Cultural Differences on Society and Politics. 1996-1997

BROOKLYN LAW SCHOOL, Brooklyn, N.Y., J. D., February 1978.

HUNTER COLLEGE, CUNY, New York, NY. B.A., Black and Puerto Rican Studies/
Mathematics, June 1974.

Bar Admissions

United States Supreme Court, 1983
New York State, 1978
United States District Courts- E.D.N.Y., 1978; S.D.N.Y., 1978

SELECTED AWARDS

- Public Interest Lawyer of the Year – CUNY Law School 2005
- Woman Leadership Award – NY City Council 2003
- Political Empowerment Award -- Vanguard Independent Democratic Assn. 2002
- Windcall Activist Retreat 2000
- Vallecitos Mountain Refuge Fellowship 1999
- “Appreciation” Award, COMTO NETS (NYC Transit Workers) 1998
- “Defense of Civil Rights and Enriching Culture” NYC Comptroller Alan Hevesi 1995
- “Education Award,” New York State Black and Puerto Rican Legislators Assn. 1994
- “Keeper of the Dream” Award, Johnson Preparatory School 1993
- “Appreciation Award” Parent Association of Midwood H. S. 1993
- Ellen Lurie Community Service Award - Community Service Society 1992

BOARDS AND ORGANIZATIONS

Board of Directors/ Advisors

Applied Research Center
Black Brooklyn Empowerment Convention, Inc.
Council of Elders of Dance Africa of New York
Fund for Social Change
M.A.A.T., Inc.
The Revson Fellowship for the Future of the City of New York at Columbia Univ.
Vallecitos Mountain Refuge, Inc. (until Feb 2007)

Organizations

Metropolitan Black Bar Assn.
Ile Ase, Inc.
New York Voting Rights Consortium
Roundtable of Institutions of People of Color at the Wagner School for Public Service, NYU

Selection Committees/ Judge

Union Square Awards
New York Social Justice Fellowship
People United for Children’s Family Reunification Awards

EXHIBIT D

Esmeralda Simmons
 Favors v. Cuomo
 Time Records

Date	Activity	Time
10/26/2011	Meeting with expert Frank Lewis	1.00
11/01/2011	Meeting with expert Dr. Zulema Blair	1.00
11/21/2011	Review Plaintiff's Complaint	1.50
12/06/2011	Review of draft of clients' Affidavits	2.00
12/14/2011	Review of draft Notice of Motion, Motion, Memorandum in Support of Motion and Draft Complaint in Intervention	2.00
12/15/2011	Meeting with Ramos and Lee intervenors' counsel and experts re Congressional UNITY Map	2.00
12/19/2011	Final Review of Notice of Motion, Motion, Memorandum in Support of Motion and Draft Complaint in Intervention	1.00
12/20/2011	Review of District Court Judge Irizzary's Order of 12/20/2011	.10
12/28/2011	Review of Ramos and Lee Intervenors' Intervention Motions, Complaints and Memoranda and Defendants' Motions to Dismiss	2.00
12/29/2011	Review Opposition to Motion to Dismiss and other submissions	.50
01/02/2012	Conference call with co-counsel Joan P. Gibbs, Randolph M. McLaughlin and Jeffrey M. Norton	1.00
01/06/2012	Review Plaintiffs' and Defendants' Roman Hedges <i>et al</i> Response to Plaintiffs-Intervenors Motion to Intervene	.50
01/09/2012	Attend LATFOR public Meeting in Albany	1.0
01/10/2012	Review reply in support of motion to dismiss	.50
01/13/2012	Review Response to Plaintiff-Intervenors' Motion to Intervene	.50

01/17/2012	Meeting with expert Edwin Dei	1.00
01/19/2012	Review Plaintiffs' letter to Court and Memorandum in Opposition to Motion to Dismiss	.50
01/27/2012	Strategy meeting with Ramos and Lee intervenors' counsel and experts	2.00
01/27/2012	Review of D. C. Judge Irizarry's Order of 01/27/2012	.25
02/01/2012	Attend and present testimony at LATFOR's public hearing (Bklyn.)	3.00
02/10/2012	Meeting re congressional districts	2.00
02/13/2012	Reviewing Judge Irizarry's request to Chief Judge of Second Circuit requesting appointment of three Judge court	.25
02/14/2012	Reviewing Judge Irizarry's Order re designation of members of Three Judge Court	.25
02/16/2012	Review of letter to Court re 2/14/2012 Order	.10
02/21/2012	Review of Court's scheduling Orders and Court submissions	.25
02/22/2012	Review of Court's Order re: preparation of a list of experts	.10
02/22/2012	Meeting with co-counsel	2.00
02/23/2012	Meeting with co-counsel and experts re Congressional UNITY Map	3.00
02/24/2012	Review of letter to Court in compliance with 2/22/ 2012 Order	.25
02/27/2012	Draft and review of Memorandum and exhibits in support of Congressional Unity Map	3.00
02/27/2013	Court Appearance	2.50
02/28/2012	Review of Court order re referral of task of creating congressional districts to Magistrate Judge	.25
02/28/2012	Final review of Memorandum and exhibits in support of Congressional Unity Map	1.00
02/29/2012	Conference with counsel re congressional maps	1.50
02/29/2012	Meeting with experts F .Lewis and Z. Blair re their analyses of	1.00

	alternative Congressional plans	
03/01/2012	Telephone conference with co-counsel and experts	1.00
03/02/2012	Telephone conference with co-counsel and experts	1.00
03/02/2012	Review parties' submissions re: congressional map	5.00
03/02/2012	Draft testimony	5.00
03/03/2012	Review and editing testimony	3.00
03/04/2012	Telephone conference with co-counsel re hearing and testimony of Esmeralda Simmons and Dr. Andrew Beveridge	1.00
03/04/2012	Reading law review articles and prep for Ct. "Hearing" on Congressional Plans	2..00
03/05/2012	Final preparation for presentation at Ct. Hearing	2.00
03/05/2012	Court Appearance and presentation	4.00
03/06/2012	Review of letter to Court in response to Court Order 3/5/ 2012	.30
03/6/2012	Conf. call with LatinoJustice/PRLDF and Asian American Legal Defense Fund intervenors' counsel	2.00
03/07/2012	Review answers to Plaintiffs-Intervernors' complaint	1.00
03/12/2012	Review Court Orders 03/12/2012 re: Magistrate Judge Mann's Report and Recommendation	4.00
03/13/2012	Conference call with co-counsel re Magistrate Judge's Report and Recommendation	1.00
03/14/2012	Review draft letter to Court re 3/12/ 2012 Order	.15
03/14/2012	Review of parties' submissions re Magistrate Mann's Report and Recommendation	3.00
03/15/2012	Court appearance: public hearing re Congressional	6.00

3/16/2012	Meeting with LatinoJustice/PRLDF and Asian American Legal Defense Fund intervenors' counsel and experts re Congressional map	2.00
03/19/2012	Review and confer with co-counsel re Court Order adopting Magistrate Mann's Report and Recommendation	2.00

Total: 88 hours and 25 minutes